

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary Karlin Michelson, M.D.

Serial No: Cont. of 09/404,396

Filed: July 31, 2003

For: Method for the Delivery of Electrical Current to  
Promote Bone Growth Between Adjacent  
Bone Masses

Prior Application Information:

Group Art Unit: 3764

Examiner: M. Brown



Mail Stop: PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**CONTINUING APPLICATION TRANSMITTAL**

Transmitted herewith for filing is a ☒ Continuation ☐ Divisional ☐ Continuation-In-Part application under 37 C.F.R. § 1.53(b) of prior patent application No. 09/404,396, filed September 23, 1999.

- ☐ Applicant claims small entity status under 37 C.F.R. §§ 1.9 and 1.27.
- ☒ 39 total application pages including specification, claims (44 total and 1 independent), and abstract are enclosed.
- ☐ A newly executed Declaration and Power of Attorney ☐ is enclosed ☐ will follow.
- ☒ A copy of the Declaration and Power of Attorney from the prior application is enclosed.
- The entire disclosure of the prior application, from which an oath or declaration is supplied, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.
- ☒ 7 sheets of drawings (☒ formal ☐ informal) (A4 paper; Figs. 1-21) are enclosed.
- ☐ The prior application is assigned of record to: \_\_\_\_\_.
- ☒ The power of attorney in the prior application is to at least one of the following: MARTIN & FERRARO, LLP; Thomas H. Martin, Reg. No. 34,383; Amedeo F. Ferraro, Reg. No. 37,129; and Todd M. Martin, Reg. No. 42,844.
- ☒ The power appears in the original Declaration of the prior application.
- ☐ Since the power does not appear in the original Declaration, a copy of the power in the prior application is enclosed.
- ☐ A certified copy of \_\_\_\_\_ Patent Application No. \_\_\_\_\_ filed \_\_\_\_\_ from which priority is claimed under 35 U.S.C. § 119 is enclosed.
- ☒ Information Disclosure Statement (IDS) and Form PTO-1449 is enclosed (☒ with 8 documents with abstracts or translations).
- ☐ Amend the specification by deleting insert before the first line the sentence:
- ☐ Cancel Claims \_\_\_\_\_.
- ☐ An Amendment is enclosed.

CALCULATION OF FEES								
ITEM		TOTAL NO. OF CLAIMS		NO. OF CLAIMS OVER BASE	LG \$ ENTITY FEE		\$ AMOUNT	\$ FEE
A	TOTAL CLAIMS FEE	44	-20	24	LG=\$18	\$18	432	432
B	INDEPENDENT CLAIMS FEE*	1	-3	0	LG=\$84	\$84	0	
C	SUBTOTAL - ADDITIONAL CLAIMS FEE (ADD FINAL COLUMN IN LINES A + B)							\$ 432
D	MULTIPLE-DEPENDENT CLAIMS FEE						LARGE ENTITY FEE = \$280	
E	BASIC FEE						LARGE ENTITY FEE = \$750	
F	TOTAL FILING FEE (ADD TOTALS FOR LINES C, D, AND E)							\$ 1,182
G	ASSIGNMENT RECORDING FEE						\$ 40	\$

- ☒ A check in the amount of \$ 1,182 to cover the above fees is enclosed.
- ☒ Correspondence Address: Customer No. 22882  
Martin & Ferraro, LLP  
1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
Telephone: 330-877-0700  
Facsimile: 330-877-2030
- ☒ The Commissioner is hereby authorized to charge any deficiency for the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1066. **A copy of this sheet is enclosed.**
- ☒ Any additional filing fees required under 37 C.F.R. § 1.16
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

**PETITION FOR EXTENSION.** If any extension of time is necessary for the filing of this application, including any extension in the parent application, Serial No. 09/404,396, filed September 23, 1999, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 50-1066. A duplicate copy of this paper is enclosed for use in charging the deposit account.

Respectfully submitted,

MARTIN & FERRARO LLP

Date: 7-31-02

By: 

Amedeo F. Ferraro  
Registration No. 37,129  
Attorney for Applicant

1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
Telephone: 330-877-0700  
Facsimile: 330-877-2030

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL**  
Express Mail Mailing Label No. EV 321 290 425 US  
Date of Deposit: July 31, 2003


I hereby certify that:

1. Rule 53(b) Continuation Application Transmittal (in duplicate)
2. 39 total application pages including specification, claims (44 total and 1 independent), and abstract
3. Copy of executed Declaration and Power of Attorney from prior application
4. 7 sheets of Formal Drawings (A4 paper; Figs. 1-21)
5. Information Disclosure Statement; Form PTO-1449 with 8 documents
6. Check in the amount of \$1,182 (representing \$750 filing fee and \$ 432 additional claims fee)
7. Self-addressed return postcard receipt

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

Mail Stop: PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date: 7/31/03

  
Anita Chou

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